

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

**KAYLYN APPLGATE, ROBIN BANKS,
KRISTINA BARGA, CINDY BISHOP,
DONNA JO BOWLES, JOSIE BROWN,
DONNA BRYANT, MOLLY BUEHLER,
ROBIN BURNS, SAMANTHA CASSIDY,
ROBERT CLEMENTS, JENNIFER
COLLINS, RHONDA DAVIS, CHAD
DENNEY, PATRICIA DRONE-
MCCULLOUGH, ERIKA FOWLER,
PATRICK FOWLER, DR. JOSHUA
FREDERICK, RICHARD FULKERSON,
MARZENA GASLAWSKI, DONNA
GRANT, TRACEY HARBAUGH, BRENDA
HARTMAN, KAREN HERSH, GARY
HIGGINBOTHAM, MATT HORNE,
SARAH HORNER, BRANDY KEHRT,
HEATHER KING, MADISON KUHN,
MICHELLE LANDIS, CECILIA LESCH,
TERESA LESCH, JENNIFER MAUPIN,
JOSHUA MILLER, TIFFANY MILLER,
BETHANY MONTE, MONICA NALLEY,
STEVEN OHLHEISER, SUSANA
OSBORNE, CHRIS PARR, JEMAEL
PARTLOW, AMANDA PISANO, ASHLEY
PLOUGHE, BARBARA PLUHAR,
MONICA POOLE, LEISA RANDALL,
TERESA RIDLEN, BONNIE RIPBERGER,
ROCHELLE ROTT, ROBERT RUNGE,
TINA SNEED, DANIELLA STAFFORD,
LISA STULTS, KERI STULTZ, DELLA
TAYLOR, AMANDA THIERGARTNER,
MILICA VRANIC, LISA WEBB, ALAYNAH
WEISEND, VICTORIA WILLOUR, JODI
WOLFENBARGER, ANDREW
ZENTHOFER, AND JUSTON
ZENTHOFER on behalf of Themselves
and all those similarly situated,**

Plaintiffs,

Cause No. 1:22-cv-1097

vs.

**ST. VINCENT HEALTH, INC.,
ST. JOSEPH HOSPITAL & HEALTH
CENTER, INC., ST. MARY'S HEALTH,
INC., ST. MARY'S MEDICAL GROUP,
LLC, ST. MARY'S WARRICK HOSPITAL,
INC., ST. VINCENT ANDERSON
REGIONAL HOSPITAL, INC.,
ST. VINCENT CARMEL HOSPITAL, INC.,
ST. VINCENT DUNN HOSPITAL, INC.,
ST. VINCENT FISHERS HOSPITAL, INC.,
ST. VINCENT HEART CENTER OF
INDIANA, LLC, ST. VINCENT HOSPITAL
AND HEALTH CARE CENTER, INC.,
ST. VINCENT HOSPITAL AND HEALTH
CARE CENTER, INC. D/B/A WILLIAM K.
NASSER, MD, HEALTHCARE
EDUCATION AND SIMULATION
CENTER, ST. VINCENT HOSPITAL AND
HEALTH CARE CENTER, INC. D/B/A
ASCENSION HEALTH ST. VINCENT
STRESS CENTER, ST. VINCENT
HOSPITAL AND HEALTH CARE
CENTER, INC. D/B/A ASCENSION
HEALTH ST. VINCENT WOMEN'S
HEALTH BOUTIQUE, ST. VINCENT
MEDICAL GROUP, INC., ST. VINCENT
SETON SPECIALTY HOSPITAL, INC.,
ST. VINCENT WILLIAMSPORT
HOSPITAL, INC., ASCENSION HEALTH,
INC., ASCENSION HEALTH-IS, INC.,
ASCENSION HEALTH MINISTRY
SERVICE CENTER, LLC; AND MEDXCEL
FACILITIES MANAGEMENT, LLC.**

Defendants.

**APPENDIX OF EXHIBITS TO PLAINTIFFS' CLASS ACTION COMPLAINT
FOR DAMAGES AND DEMAND FOR JURY TRIAL¹**

¹ Plaintiffs are utilizing many of the same Exhibits found in *Paul Halczenko, et al. v. Ascension Health, Inc., and St. Vincent Hospital and Health Care Center, Inc., d/b/a*

Plaintiffs, by counsel, submit this Appendix of Exhibits to Plaintiffs' Class Action Complaint for Damages and Demand for Jury Trial.

Exhibit #	Docket # (from <i>Halczenko</i>)	Exhibit Description	
PLAINTIFF'S AFFIDAVITS:			
1	9-1	Affidavit of Dr. Paul Halczenko	NOT USED FOR COMPLAINT IN THIS CASE
2	9-2	Affidavit of Jennifer Jimenez	NOT USED FOR COMPLAINT IN THIS CASE
3	9-3	Supplemental Declaration of Jennifer Jimenez	NOT USED FOR COMPLAINT IN THIS CASE
4	9-4	Affidavit of Erin Nicole Gillespie	NOT USED FOR COMPLAINT IN THIS CASE
4-A	9-5	Supplemental Declaration of Erin Nicole Gillespie	NOT USED FOR COMPLAINT IN THIS CASE
5	9-6	Affidavit of Kristin Evans	NOT USED FOR COMPLAINT IN THIS CASE

Ascension Health St. Vincent Hospital, Cause No. 1:21-cv-2816-JPH-MG, specifically those exhibits identified in the Appendix of Exhibits [Dkt. 9 at 2-8], Supplemental Appendix of Exhibits [Dkt. 38 at 1-3], and the Second Supplemental Appendix of Exhibits [Dkt. 48 at 1-2]. Moreover, Plaintiffs have utilized the same numbering convention of those Exhibits found in the Appendix of Exhibits [Dkt. 9 at 2-8], Supplemental Appendix of Exhibits [Dkt. 38 at 1-3], and the Second Supplemental Appendix of Exhibits [Dkt. 48 at 1-2]. For any new Exhibits, Plaintiffs have continued with the numbering sequence of those Exhibits found in the Second Supplemental Appendix of Exhibits [Dkt. 48 at 2].

6	9-7	Supplemental Declaration of Kristin Evans	NOT USED FOR COMPLAINT IN THIS CASE
7	9-8	Affidavit of Valerie Fralic	NOT USED FOR COMPLAINT IN THIS CASE
8	9-9	Supplemental Declaration of Valerie Fralic	NOT USED FOR COMPLAINT IN THIS CASE
ASCENSION DOCUMENTS:			
9	9-10	News Release – “For safety of communities, Ascension to require COVID-19 vaccination for associates”, July 27, 2021	NOT USED FOR COMPLAINT IN THIS CASE
10	9-11	Joe Impicciche (President and CEO, Ascension) Letter to Employees re COVID-19 Vaccination Mandate, July 30, 2021	USED
11	9-12	Joe Impicciche (President and CEO, Ascension) Letter to Employees re: Pope Francis’ statement COVID-19 vaccination and “act of love” and moral obligation, August 19, 2021	USED
12	9-13	Questions and Answers about Ascension’s Associate COVID-19 Vaccination Policy	USED
13	9-14	Richard Fogel September 2021 Video Script	NOT USED FOR COMPLAINT IN THIS CASE
14	9-15	Ascension Frequently asked questions: COVID vaccination	USED

15	9-16	Stephen Swinney Official Ascension St. Vincent Communication – “Reminder – Process for Independent Providers to Document Compliance with COVID-19 Vaccination Requirement”	NOT USED FOR COMPLAINT IN THIS CASE
16	9-17	Ascension Corporate Responsibility	NOT USED FOR COMPLAINT IN THIS CASE
PLAINTIFF SPECIFIC DOCUMENTS:			
DR. PAUL HALCZENKO			
17		NOT USED	NOT USED FOR COMPLAINT IN THIS CASE
18	9-18	Halczenko Covid vaccination upload – noncompliant	NOT USED FOR COMPLAINT IN THIS CASE
19	9-19	Denial of Halczenko Religious Exemption for Covid Vaccine, Oct 1, 2021	NOT USED FOR COMPLAINT IN THIS CASE
20	9-20	Halczenko Email to Ascension, Oct 5, 2021	NOT USED FOR COMPLAINT IN THIS CASE
20-A	9-21	Ascension Email denying Halczenko’s request for religious exemption for Covid vaccination, Oct 9, 2021	NOT USED FOR COMPLAINT IN THIS CASE
21	9-22	Halczenko Email to Ascension sending Oct 13, 2021 Letter, Oct 13, 2021	NOT USED FOR COMPLAINT IN THIS CASE
22	9-23	Halczenko Letter to Ascension re Request for Religious Exemption, Oct 13, 2021	NOT USED FOR COMPLAINT IN THIS CASE

22-A	9-24	Ascension Email denying Halczenko's request for religious exemption for Covid vaccination, Oct 15, 2021	NOT USED FOR COMPLAINT IN THIS CASE
23	9-25	Article – "Catholic Hospital Rejects 650 Workers' Religious Exemptions From the COVID Vaccine Mandate", Oct 13, 2021	NOT USED FOR COMPLAINT IN THIS CASE
NURSE PRACTITIONER JENNIFER JIMENEZ			
24		NOT USED	NOT USED FOR COMPLAINT IN THIS CASE
25	9-26	Jimenez Emails re Religious Exemption for Covid Vaccine Submitted, 10/9/21 – 10/11/21	NOT USED FOR COMPLAINT IN THIS CASE
26	9-27	Jimenez Antibody test results, Oct 12, 2021	NOT USED FOR COMPLAINT IN THIS CASE
27	9-28	Jimenez letter to Ascension in response to prior communication, Oct 13, 2021	NOT USED FOR COMPLAINT IN THIS CASE
27-A	9-29	Ascension Email to Jimenez re request for vaccine exemption still under review, Oct 14, 2021	NOT USED FOR COMPLAINT IN THIS CASE
28	9-30	Jimenez email inquiring re status of additional information submitted, 10/31/21	NOT USED FOR COMPLAINT IN THIS CASE
29	9-31	News Article: "Trial shows 4,500% increase in antibody levels between vaccine doses", Sept 2, 2021	NOT USED FOR COMPLAINT IN THIS CASE

REGISTERED NURSE ERIN NICOLE GILLESPIE			
30	9-32	Denials of Gillespie Religious Exemption requests for Influenza and Covid vaccines, 10/6/21-10/7/21	NOT USED FOR COMPLAINT IN THIS CASE
31	9-33	Gillespie Submission emails and Appeal Letter re Covid and Influenza vaccines, 10/13/21	NOT USED FOR COMPLAINT IN THIS CASE
32	9-34	Denials of Gillespie Religious Exemption for Covid and Influenza vaccine requests, 10/15/21	NOT USED FOR COMPLAINT IN THIS CASE
33	9-35	Approval of Gillespie Religious Exemption for Influenza Vaccine, 11/1/21	NOT USED FOR COMPLAINT IN THIS CASE
REGISTERED NURSE KRISTIN EVANS			
34	9-36	Kristin Evans' Submission of Religious Exemption for Covid Vaccine, 8/18/21	NOT USED FOR COMPLAINT IN THIS CASE
35	9-37	Email from Ascension denying Kristin Evans' religious exemption, 10/7/21	NOT USED FOR COMPLAINT IN THIS CASE
36	9-38	Traders Point Christian Church – Description of religious belief that is contrary to vaccination	NOT USED FOR COMPLAINT IN THIS CASE
37	9-39	Traders Point Christian Church – Description of how use of this vaccination is a violation of your moral conscience in light of this religious belief	NOT USED FOR COMPLAINT IN THIS CASE
38	9-40	Traders Point Christian Church – Description of how you live this belief in your daily life that demonstrates it is sincerely held	NOT USED FOR COMPLAINT IN THIS CASE

39	9-41	Kristin Evans' Affidavit of Vaccine Exemption on Religious Grounds for Health Care Workers, Oct 4, 2021	NOT USED FOR COMPLAINT IN THIS CASE
REGISTERED NURSE VALERIE FRALIC			
40	9-42	COVID-19 Vaccine Exemption for Valerie Fralic	NOT USED FOR COMPLAINT IN THIS CASE
41	9-43	Communications re Fralic's Religious Exemption for Covid Vaccine request, 9/24/21 – 10/16/21	NOT USED FOR COMPLAINT IN THIS CASE
42	9-44	Valerie Fralic's Affidavit of Vaccine Exemption on Religious Grounds for Health Care Workers, Oct. 16, 2021	NOT USED FOR COMPLAINT IN THIS CASE
43	9-45	Reasons for requesting Religious Exemption for Covid-19 Vaccination	NOT USED FOR COMPLAINT IN THIS CASE
44	9-46	Fralic's Antibody Test Results, 11/3/2021	NOT USED FOR COMPLAINT IN THIS CASE
SCIENTIFIC PAPERS, FDA AND CDC INFORMATION			
45	9-47	CDC Webpage – Delta Variant, What We Know About the Science, Aug. 26, 2021	USED
46	9-48	Covid Data Tracker, October 27, 2021, webpages	USED
47	9-49	Pfizer FAQs, Oct 28, 2021, FDA webpage	USED
48	9-50	Moderna Covid-19 FAQs, Oct. 28, 2021, FDA webpage	USED
49	9-51	"Comparing SARS CoV-2 natural immunity to vaccine induced	USED

		immunity: reinfections versus breakthrough infections”	
50	9-52	CDC Prison Study, Sept 24, 2021	USED
51	9-53	Antibody Status and Incidence of SARS-CoV-2 Infection in Health Care Workers	NOT USED FOR COMPLAINT IN THIS CASE
52	9-54	What level of Neutralizing antibody protects from COVID-19?	NOT USED FOR COMPLAINT IN THIS CASE
53	9-55	SARS-Co-V-2 Lambda variant exhibits higher infectivity and immune resistance	USED
54	9-56	Community transmission and viral load kinetics of the SARS-Co-V-2 delta (B.1.617.2) variant in vaccinated and unvaccinated individuals in the UK: a prospective, longitudinal cohort study	USED
55	9-57	Impact and effectiveness of mRNA BNT162b2 vaccine against SARS-CoV-2 infections and COVID-19 cases, hospitalizations, and deaths following a nationwide vaccination campaign in Israel: an observational study using national surveillance data	USED
56	9-58	Moderna Research Study, Oct 21, 2021	USED
57	9-59	Public Health England Technical Briefing, Aug 6, 2021	USED
58	9-60	Safety and Efficacy of the BNT162b2 mRNA Covid-10 Vaccine through 6 Months	USED

59	9-61	Shedding of Infectious SARS-CoV-2 Despite Vaccination	USED
60	9-62	Transmission of Delta variant in the UK	NOT USED FOR COMPLAINT IN THIS CASE
61	9-63	Nursing Staffing IP Mortality Article	NOT USED FOR COMPLAINT IN THIS CASE
62	9-64	Staffing Shortage Article	USED
IFC RULE DOCUMENTS			
63	9-65	Article – “Healthcare-associated COVID-19 in England: a national data linkage study”	USED
64	9-66	Viewpoint Article, 12/1/20 – “Hospital-Acquired SARS-CoV-2 Infection, Lessons for Public Health”	USED
65	9-67	Jama Network Article, 9/9/20 – “Incidence of Nosocomial COVID-19 in Patients Hospitalized at a Large US Academic Medical Center	USED
66	9-68	PLOS Medicine Article, 10/12/21 – “Transmission of community=and hospital acquired SARS-CoV-2 in hospital settings in the UK: A cohort study	USED
67	9-69	Article – “State-wide Genomic Epidemiology Investigations of COVID-19 Infections in Healthcare Workers – Insights for Future Pandemic Preparedness”	USED

68	9-70	JAMA Network Article, 7/28/21 – “Serologic Surveillance and Phylogenetic Analysis of SARS-CoV-2 Infection Among Hospital Health Care Workers”	USED
69	9-71	AJIC Report – Occupational COVID-19 exposures and secondary cases among healthcare personnel”	USED
70	9-72	Jama Network Article, 3/10/20 – “Risk Factors Associated With SARS-CoV-2 Seropositivity Among US Health Care Personnel”	USED
71	9-73	Article – “Nursing home staff networks and COVID-19”	USED
VACCINE MANDATES AT OTHER HOSPITALS			
72	9-74	BMJ Article, 1/13/21 – “David Oliver: Could we do better on hospital acquired covid-19 in a future wave?”	USED
73	9-75	Newsroom Article, 2/24/21 – “Study Shows Low Risk of COVID-19 Transmission in Hospital Among Patients Undergoing Surgery”	USED
74	9-76	Science Daily Article, 8/24/21 – “Hospital-acquired COVID-19 tends to be picked up from other patients, not from healthcare workers”	USED
ADDITIONAL AFFIDAVITS AND DOCUMENTS			
75	9-77	Affidavit of Suzanne Haerr	USED
76	9-78	Affidavit of Lindsey Rentschler	USED

77	9-79	Affidavit of Callie Brezillac	USED
78	9-80	Brezillac Denial, 10/8/21	NOT USED FOR COMPLAINT IN THIS CASE
79	9-81	IBJ Article, 9/27/21 – “Franciscan Health gives employees until Nov. 15 to get fully vaccinated”	NOT USED FOR COMPLAINT IN THIS CASE
80	9-82	IndyStar Article, 10/13/21 – “Hospitals offer exemption for COVID-19 vaccine mandate. Many employees took it.”	USED
81	9-83	Declaration of Sandy Picchiottino	NOT USED FOR COMPLAINT IN THIS CASE
82	9-84	Janssen COVID-19 Vaccine Frequently Asked Questions	USED
83	9-85	Science Article, 11/2021 – “SARS-CoV-2 vaccine protection and deaths among US veterans during 2021”	USED
84	9-86	Ascension Indiana Leadership	NOT USED FOR COMPLAINT IN THIS CASE
85	9-87	Scienceinsider, 8/26/2021 – “Having SARS-CoV-2 once confers much greater immunity than a vaccine – but vaccination remains vital”	USED
86	9-88	The Lancet Article, 10/16/2021 – “Effectiveness of mRNA BNT162b COVID-19 vaccine up to 6 months in a large integrated health system in the USA: a retrospective cohort study”	USED

87	9-89	“Comparison of two highly-effective mRNA vaccines for COVID-19 during periods of Alpha and Delta variant prevalence”	USED
88	9-90	“Vaccinated and unvaccinated individuals have similar viral loads in communities with a high prevalence of the SARS-CoV-2 delta variant”	USED
89	9-91	CDC, 9/15/2021 – “Science Brief: COVID-19 Vaccines and Vaccination”	USED
90	38-1	December 13, 2021, Ascension Online Leaders Meeting (Unofficial Transcript)	NOT USED FOR COMPLAINT IN THIS CASE
91	38-2	Declaration of Dr. Jay Bhattacharya (and CV)	NOT USED FOR COMPLAINT IN THIS CASE
92	38-3	Declaration of Dr. Peter McCullough (and CV)	NOT USED FOR COMPLAINT IN THIS CASE
93	38-4	Declaration of Dr. Stephen Templeton (and CV)	NOT USED FOR COMPLAINT IN THIS CASE
94	38-5	Second Declaration of Dr. Paul Halczenko	NOT USED FOR COMPLAINT IN THIS CASE
95	38-6	Second Declaration of Nurse Practitioner Jennifer Jimenez	NOT USED FOR COMPLAINT IN THIS CASE
96	38-7	Second Declaration of Nurse Kristin Evans	NOT USED FOR COMPLAINT IN THIS CASE

97	38-8	Second Declaration of Nurse Erin Gillespie	NOT USED FOR COMPLAINT IN THIS CASE
98	38-9	Second Declaration of Nurse Valerie Fralic	NOT USED FOR COMPLAINT IN THIS CASE
99	38-10	Declaration of Tasha Braswell	NOT USED FOR COMPLAINT IN THIS CASE
100	38-11	Declaration of William Bock, III (and all documents referenced therein)	NOT USED FOR COMPLAINT IN THIS CASE
EXHIBITS TO WILLIAM BOCK III'S DECLARATION:			
101	38-12	Fax cover sheets and confirmation sheets showing fax transmission to the EEOC of Plaintiffs' Charges	NOT USED FOR COMPLAINT IN THIS CASE
102	38-13	Certified Mail receipts showing delivery to the EEOC of Plaintiffs' Charges	NOT USED FOR COMPLAINT IN THIS CASE
103	38-14	Plaintiffs' First Interrogatories and Requests for Production to Ascension – 11/12/2021	NOT USED FOR COMPLAINT IN THIS CASE
104	38-15	Plaintiffs' First Interrogatories and Requests for Production to St. Vincent – 11/12/2021	NOT USED FOR COMPLAINT IN THIS CASE
105	38-16	William Bock, III's Email to Opposing Counsel serving Plaintiffs' Interrogatories and Requests for Production – 11/12/2021	NOT USED FOR COMPLAINT IN THIS CASE
106	38-17	2021-11-16 & 17 Counsel Email Communications	NOT USED FOR COMPLAINT IN THIS CASE

107	38-18	Halczenko Notice of Breach Letter 11/19/2021	NOT USED FOR COMPLAINT IN THIS CASE
108	38-19	Jimenez Notice of Breach Letter 11/19/2021	NOT USED FOR COMPLAINT IN THIS CASE
109	38-20	Bock Letter to Defendants' Counsel re Notice of Breach Letters 11/22/2021	NOT USED FOR COMPLAINT IN THIS CASE
110	38-21	Bock Emails to Defendants' Counsel re Notice of Breach Letters 11/22/2021	NOT USED FOR COMPLAINT IN THIS CASE
111	38-22	Defendants' counsel email response to Bock's 11/22/2021 Email	NOT USED FOR COMPLAINT IN THIS CASE
112	38-23	Ascension's Discovery Responses – 12/3/2021	NOT USED FOR COMPLAINT IN THIS CASE
113	38-24	St. Vincent's Discovery Responses – 12/3/2021	NOT USED FOR COMPLAINT IN THIS CASE
114	39-1	Dr. Halczenko's employment contract with St. Vincent (to be filed under seal)	NOT USED FOR COMPLAINT IN THIS CASE
115	40-1	Jennifer Jimenez's employment contract with St. Vincent (to be filed under seal)	NOT USED FOR COMPLAINT IN THIS CASE
OTHER:			
116	38-25	Bilyeu v. UT Order, U.S. District Court, Eastern District of Tennessee, #3:21-cv-352	NOT USED FOR COMPLAINT IN THIS CASE

CLIENT THIRD SUPPLEMENT DECLARATIONS:			
117	48-1	Third Supplemental Declaration of Dr. Paul Halczenko	NOT USED FOR COMPLAINT IN THIS CASE
118	48-2	Third Supplemental Declaration of Jennifer Jimenez	NOT USED FOR COMPLAINT IN THIS CASE
119	48-3	Third Supplemental Declaration of Erin Gillespie	NOT USED FOR COMPLAINT IN THIS CASE
120	48-4	Third Supplemental Declaration of Kristin Evans	NOT USED FOR COMPLAINT IN THIS CASE
121	48-5	Third Supplemental Declaration of Valerie Fralic	NOT USED FOR COMPLAINT IN THIS CASE
ADDITIONAL EXHIBITS:			
122		Denial of Thiergartner's religious exemption for COVID vaccination, September 28, 2021	USED
123		Denial of Hartman's religious exemption for COVID vaccination, November 2, 2021	USED
124		Denial of Hartman's religious exemption for COVID vaccination, November 9, 2021	USED
125		Monte's Notice of Administrative Suspension, 1/26/2022	USED
126		Maupin's Notice of Breach, 11/19/2021	USED
127		Stafford's Notice of Breach, 11/19/2021	USED

128		Thiergartner's Notice of Breach, 11/19/2021	USED
129		Weisend Notice of Breach, 11/19/2021	USED

Dated: May 27, 2022

Respectfully Submitted,

KROGER, GARDIS & REGAS, LLP

/s/ William Bock, III

William Bock, III, Atty. No. 14777-49

Adam R. Doerr, Atty. No. 31949-53

Allyse E. Wirkkala, Atty. No. 31815-49

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PROPOSED CLASS

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